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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,202	08/17/2001	Boris S. Elman	00-8024	4924
25537	7590	04/24/2008	EXAMINER	
VERIZON			ANWAH, OLISA	
PATENT MANAGEMENT GROUP			ART UNIT	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/932,202	Applicant(s) ELMAN ET AL.	
	Examiner OLISA ANWAH	Art Unit 2614	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): 5, 7, 14 and 26.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_  
Claim(s) objected to: 7, 14 and 26.  
Claim(s) rejected: 1-6, 8-13, 16, 18-24 and 27-30.  
Claim(s) withdrawn from consideration: 15, 17 and 25.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

Olisa Anwah  
Patent Examiner  
4-18-2008

*Olisa Anwah*  
*OA*

Continuation of 11. does NOT place the application in condition for allowance because: In response to Applicant's argument that the Final Office Action was premature due to newly cited art, the Examiner submits that the newly cited art was necessitated by Applicant's challenge to the Examiner's use of Official Notice. To be sure, according to paragraph D from section 2144.03 of the MPEP, "[i]f the examiner adds a reference in the next Office action after applicant's rebuttal, and the newly added reference is added only as directly corresponding evidence to support the prior common knowledge finding, and it does not result in a new issue or constitute a new ground of rejection, the Office action may be made final." For this reason, the finality of the Office Action mailed on 1/31/2008 is maintained.

In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Take for instance, Applicant's attacks against the Walker reference. Here, Applicant argues, "Walker makes no mention of a wireless communication device, nor does Walker mention a user interface configured to allow a user of the wireless communication device to access, by way of a wireless network, the two-way conversation data stored in the remote storage device." However, the Examiner does not rely on Walker to show a wireless communication device, nor does the Examiner rely on Walker to show a user interface configured to allow a user of the wireless communication device to access, by way of a wireless network, the two-way conversation data stored in the remote storage device. Because Qua discloses a wireless communication and because Qua shows a user interface configured to allow a user of the wireless communication device to access, by way of a wireless network, the two-way conversation data stored in the remote storage device, the Examiner cannot allow the pending claims as presently claimed.

Applicant also argues that Walker cannot be combined with Qua. The Examiner respectfully disagrees. Qua is directed to an audio note taking system and method that permits a user to record audio information during a conversation (see abstract). According to Qua, the recorded information can be stored at a centralized network storage (see unit 180 from Figure 1). Just like Qua, Walker is directed towards storing a recorded conversation audio at a centralized network storage (see unit 12 from Figure 1). While Qua does not disclose the remotely stored audio can be edited, Walker explicitly mentions discloses such (see lines 5-15 of column 5); and so, the Examiner shall maintain the present combination of Qua and Walker.

Applicant then argues the Examiner failed to make a prima facie case of obviousness by ignoring the claimed limitation of a memory coupled to the wireless communication device for storing two-way conversation data in digital form. Contrary to Applicant's allegations, Qua teaches, "[t]he audio information can be stored in any suitable format, i.e., digital or analog."

The Examiner also completely disagrees with the arguments directed against the combination of Rhee and Qua. First off, Applicant incorrectly alleges that Rhee and Qua are incapable of combination at least because Rhee, like Walker, requires a user to record a message on a centralized message service, while Qua discloses a system that permits a user to record audio notes on a wired or a wireless communication device. In response to this argument, the Examiner submits that Qua is in the same mold as Walker, Rhee and the instant invention because Qua teaches that the audio notes can be stored at a centralized network storage (see unit 180 from Figure 1). Applicant also argues that Rhee is directed to a messaging service as opposed to a wireless communication device for storing two-way conversation data. Applicant is 101% correct. Although Rhee is directed to a messaging service as opposed to a wireless communication device for storing two-way conversation data, the Examiner does not rely on Rhee to show a wireless communication device for storing two-way conversation data. Because Qua discloses a wireless communication device for storing two-way conversation data, the Examiner cannot allow the claims as presently claimed.

Applicant further contends that Qua fails to disclose a secondary device interface that couples the memory with a secondary device to allow transfer of the two-way conversation data from the memory to the secondary device. The Examiner respectfully disagrees. Because Qua discloses that if the audio note is stored on detachable storage unit 120, the user then has the ability to upload this information to a personal computer or other such compatible device, Qua discloses a secondary device interface that couples the memory with a secondary device to allow transfer of the two-way conversation data from the memory to the secondary device. More specifically, the personal computer or other such compatible device of Qua reads on the claimed secondary device, while the connection (see the dotted lines depicted at Figure 1) between Qua's detachable storage unit and the personal computer or other such compatible device is the same as the claimed secondary device interface.

Applicant also argues that Qua fails to teach an attachment that physically connects the memory to the secondary device. Again, the Examiner cannot agree. Because Qua discloses the user can attach detachable storage unit 120 to a personal computer or workstation (see column 6), Qua teaches an attachment that physically connects the memory to the secondary device. To be sure, the mechanism that allows Qua to attach the detachable storage unit to the personal computer or workstation, is the same as the claimed attachment that physically connects.